

Message Text

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ACTION EB-08

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C O N F I D E N T I A L OECD PARIS 10350

EXCON

E.O. 11652: XGDS1
TAGS: ESTC, COCOM, CH, US
SUBJ: US NC TOOL SYSTEM TO CHINA - IL 1091

REFS: A) COCOM DOC. (77) 170, STATE A-861, B) OECD PARIS
6730, C) COCOM DOC. DEF (77) 1091/5

1. TWO DELS ARE STILL IN RESERVE ON REF A AND TWO OTHERS
ON AE TREATMENT OF ADAPT-A-PATH 2-AXIS CONTROL UNIT,
REF C.

2. IN APPROVING REF A, GERMAN DEL MADE STATEMENT PARA-
PHRASED AS FOLLOWS. GERMAN AUTHORITIES UNDERSTOOD THAT
ADAPT-A-PATH UNITS WERE TO BE TREATED AS ADMINISTRATIVE
EXCEPTIONS PER NOTE 3(A), WHEREAS TYPE 550MBD WAS RE-
GARDED AS BEING THE SUBJECT OF A NORMAL EXCEPTION RE-
QUEST. NOTE 3(B) CONCERNED EXPORT OF CNC UNITS WITH
UNEMBARGOED MACHINE TOOLS. THE MACHINE TOOLS IN SUB-
PARAS A, C, D, E AND F OF REF A WERE THUS NOT COVERED
BY IL 1091(B)(I) AND/OR (II). GERMAN DEL HAD RECEIVED
TECHNICAL DATA ONLY FOR 4025W UNIVERSAL TURNING CENTER
IN PARA 1(F) AND THEREFORE HAD NOT ESTABLISHED WHETHER
THE CONDITION FOR AE TREATMENT PER NOTE 3(B) WAS MET
FOR THE OTHER MACHINE TOOLS. HE ASSUMED THIS WAS THE
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CASE, AND THEREFORE RAISED NO OBJECTION.

2. RESERVING RIGHT TO COMMENT FURTHER, USDEL MADE TEN-
TATIVE RESPONSE THAT WEWERE ONLY REQUESTING AE TREAT-
MENT FOR ADAPT-A-PATH 2-AXIS CNC UNITS, BUT THAT THE
MACHINE TOOLS LISTED IN PARA 1 OF REF A WERE ALL, IN
OUR OPINION, UNDER EMBARGO. HE BASED THE LATTER STATE-

MENT ON FIRST SENTENCE OF LAST PARAGRAPH ON PAGE 10 OF
OC DOC. NO. 5689.

3. ACTION REQUESTED: CLARIFICATION OF EMBARGO STATUS OF
MACHINE TOOLS, AND OTHER COMMENT AS NECESSARY ON GERMAN
STATEMENT IN PARAGRAPH 1 ABOVE. AS ORIGINALLY RECEIVED
IN A-861, THIS REQUEST WAS CONFUSING BECAUSE IT STATED
THAT "ALL OF THE ABOVE ITEMS, EXCEPT ITEM B, HAVE TECH-
NICAL CHARACTERISTICS FALLING UNDER THE PURVIEW OF AD-
MINISTRATIVE NOTE 3 TO IL 1091." THAT NOTE, HOW-
EVER, DEALS ONLY WITH CNC UNITS -- NOT WITH MACHINE TOOLS
OR SYSTEMS. FURTHERMORE, THE PROVISIO IN SUBPARAGRAPH (B)
OF THE NOTE STATES: "AT THE TIME OF EXPORT, THE UNITS ARE
MOUNTED ON NON-EMBARGOED MACHINE TOOLS OR EQUIPMENT."
HENCE, THE ADAPT-A-PATH 2-AXIS CNC UNIT MAY IN FUTURE BE
EXPORTED AT NATIONAL DISCRETION, IF COMMITTEE APPROVES,
PROVIDED THAT AT TIME OF EXPORT IT IS MOUNTED ON NON-EM-
BARGOED MACHINE TOOLS. THAT DOES NOT APPEAR TO BE THE
CASE HERE, SINCE ACCORDING TO THE OC DOC ALL OF THESE
MACHINE TOOLS ARE EMBARGOED. THE GERMAN STATEMENT IS
ADDRESSED DIRECTLY TO THIS POINT, AND USDEL REQUESTS
PRECISE CLARIFICATION OF IT.

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Message Attributes

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